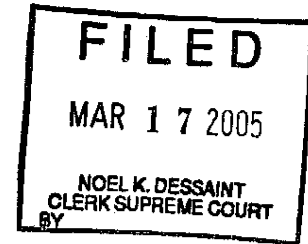


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STAFF ATTORNEYS
COPY



7
8 IN THE SUPREME COURT
9
10 OF THE STATE OF ARIZONA

11 In the Matter of: Rule 123, Arizona Rules) NO. R-03-0012
12 of the supreme Court Rules of Civil)
13 Procedure and Rules of Criminal Procedure.) COMMENT IN SUPPORT OF PETITION
14) TO AMEND RULE 123 OF THE
15) SUPREME COURT OF ARIZONA
16)
17 _____)

18 Pursuant to Rule 28, Rules of the Supreme Court of Arizona, the Pima County Bar
19 Association submits this comment on the Petition to Amend Rule 123 of the Rules of the
20 Supreme Court of Arizona.

21 The Pima County Bar Association urges the Court to adopt the proposed amendment
22 to Arizona Supreme Court Rule 123, the Rule which now governs public access to judicial
23 records. We agree with the Petitioner and the Ad Hoc Committee formed to examine and
24 recommend solutions to the problem that the issues surrounding public access to
25 computerized court records, including disclosures of bulk data, suggest the need for additional
26 rules governing access to private data contained in public judicial records. We also believe
27 that the proposed rule appropriately balances the importance of individual privacy with the
28 public's interest in access to judicial records.

Subsection (a)(1) provides that sensitive data be omitted from filings unless
specifically requested by the court, in which case a separate confidential form is filed
containing the data. We note that some statutes require filing of sensitive data, such as A.R.S.
§25-502(J) and §25-504(B)(4). They require social security numbers be filed in child support

1 proceedings. Perhaps the proposed rule should be changed to require a separate confidential
2 filing in cases in which statutes require filing sensitive data.

3 Accordingly, the Pima County Bar Association recommends adoption of the proposed
4 Rule 123 Amendment.

5 Dated this 16th day of March, 2005.

7 PIMA COUNTY BAR ASSOCIATION

8 

9 Michael Drake, Esq.

10 President, Pima County Bar Association

11 ORIGINAL and six copies mailed this 16th day of
12 March, 2005, to:

13 Clerk of the Supreme Court
14 1501 W. Washington St., Room 402
15 Phoenix, AZ 85007

16 COPY of the foregoing mailed this 16th day of
17 March, 2005, to:

18 Hon. Sheldon H. Weisberg
19 Chief Judge, Arizona Court of Appeals, Division One
20 1501 West Washington
21 Phoenix, AZ 85007
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24
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26
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